

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ARTHUR USHERSON,

Plaintiff,

v.

No. 19-CV-6368 (JMF)

BANDSHELL ARTIST MANAGEMENT,

Defendant.

RICHARD LIEBOWITZ; LIEBOWITZ LAW  
FIRM, PLLC,

Miscellaneous.

**[PROPOSED] ORDER TO SHOW CAUSE TO STAY  
ORDER PENDING APPEAL**

Upon the Declaration of Brian A. Jacobs, dated July 20, 2020, the Declaration of Richard Liebowitz, dated July 20, 2020, the Declaration of Bruce Cotler, dated July 19, 2020, and Mr. Liebowitz and Liebowitz Law Firm (“LLF”)’s memorandum of law in support of their motion by order to show cause for a stay pending appeal:

**IT IS HEREBY ORDERED** that Defendant Bandshell Artist Management show cause before this Court on \_\_\_\_\_, 2020 at \_\_\_\_\_.m. before the Honorable Jesse M. Furman, United States District Court Judge, why an order should not be entered (a) granting a stay of the non-monetary sanctions numbered three, four, five, and six in this Court’s Opinion and Order dated June 26, 2020 (Dkt. No. 68) (the “Order”) pending appeal of the Order to the United States Court of Appeals for the Second Circuit, and (b) in the alternative, in the event that

this Court denies the motion for a stay pending appeal, staying the sanctions for sufficient time to allow Mr. Liebowitz and LLF to promptly move in the Second Circuit for a stay pursuant to Federal Rule of Appellate Procedure 8(a)(2) and, assuming such motion is promptly made, until the Second Circuit determines the stay motion.

**IT IS FURTHER ORDERED** that service via email and ECF of a copy of this order and annexed papers upon the Defendant on or before \_\_\_\_\_ .m on \_\_\_\_\_ , 2020, shall be deemed good and sufficient service thereof.

**IT IS FURTHER ORDERED** that Defendant's opposing papers, if any, in response to this order to show cause, shall be served upon counsel for Mr. Liebowitz and LLF on an expedited basis no later than \_\_\_\_\_ , 2020 at \_\_\_\_\_ .m.

**IT IS FURTHER ORDERED** that Mr. Liebowitz and LLF's reply papers, if any, shall be served upon counsel for Defendant on an expedited basis no later than \_\_\_\_\_ , 2020 at \_\_\_\_\_ .m.

**IT IS FURTHER ORDERED** that all aspects of the non-monetary sanctions numbered three, four, five, and six in the Order are stayed pending this Court's resolution of Mr. Liebowitz and LLF's present motion by order to show cause for a stay pending appeal.

**SO ORDERED:**

Dated: \_\_\_\_\_ , 2020  
\_\_\_\_\_, New York

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Hon. Jesse M. Furman  
United States District Judge